(b) if so, by when the said amount will be released to Madhya Pradesh?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) The combined allocation of Additional Central Assistance (ACA) for the National Social Assistance Programme (NSAP) and the Annapurna Scheme to Madhya Pradesh for the year 2005-06 is Rs. 7649.45 lakhs.

(b) As per guidelines the releases of ACA to the States will be made automatically by the Ministry of Finance in equal instalments on a monthly basis until December of the financial year. However, the release of ACA for the last quarter of the financial year i.e. for the three months of January, February and March, would depend upon the reporting of satisfactory progress of implementation of the schemes and utilization of funds by the States. As per information available with the Ministry of Rural Development, so far an amount of Rs. 1912.36 lakhs has been released to Madhya Pradesh by the Ministry of Finance during 2005-06.

Implementation of Panchayati Act

2894. SHRIMATI HEMA MALINI: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether Government are considering to implement the provision of Panchayat (Extension to Scheduled) Act, 1996;

(b) if so, by when it is expected to be implemented and to what extent the tribals will be benefited; and

(c) to what extent the Act will help to check naxalites activities in tribal dominated areas?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) and (b) Yes, Sir. The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 is being implemented in the States incorporating Schedule V areas. Details are provided in the Statement enclosed (*See* Below). The objective of PESA is to enable tribal communities in Schedule V areas to assert their identity, control local natural resources, and exercise self-Government through participation in Panchayati Raj Institutions.

(c) Although the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 have been incorporated in State Panchayati Raj Acts, lacunae in implementation are in evidence. The implementation of PESA in letter and spirit will without doubt contribute to containing the menace of naxalism in Scheduled V areas.

Statement

Implementation of the Provision of Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA, 1996)

S. No.	Component Mandatory provisions	Andhra Pradesh	Chhattisgarh	Jharkhand	Gujarat	Himachal Pradesh	Madhya Pradesh	Maharashtra	Orissa	Rajasthan
1	2	3	4	5	6	7	8	9	10	11
1.	**Section 4 (i)**: The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;	The AP Act has assigned this responsibility to IP. However, actual planning and implementation will be co-ordinated at the State level.	The Chhattisgarh Act has made provision that before acquiring land for development projects, Gram Sabha will be consulted.	The Jharkhand Act has no provision in this regard.	The Gujarat Act has assigned this responsi-bility to Intermediate Panchayat.	The HP Act provides that Gram Sabha will be consulted before making acquision of land.	Provision made.	The Maha-rashtra Act says that every Panchayats shall be consulted by the authority while every Panchayat shall consult Gram Sabha before conveying its decision.	The Orissa Act has stated that District Panchayat shall be consulted before land is acquired.	Many powers provided to Gram Sabha.
2.	**Section 4 (i)**: Planning & management of Minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;	The AP Act has assigned this power to either of the three tiers of Panchayats as the case may be.	The Chhattisgarh Act has assigned powers on Gram Sabha. Interme-diate and District Panchayat have powers to plan, own and manage minor water bodies upto a specified water areas.	The Jharkhand Act has assigned this power to Gram Panchayat.	The Gujarat Act entrusts this power to Gram Panchayat.	The HP Act has assigned these powers at the appropriate level of Panchayats with powers to planning and manage-ment.	MP Govt. has assigned functions to Gram Sabha to plan, own and manage bodies situated within its territorial jurisdiction.	The Maharashtra Act does not make a mention in this matter.	The Orissa Act has assigned this subject to District Panchayats.	
3.	**Section 4 (k)**: The recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be	The AP Act provides for recommenda-tions of Gram	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has no provision in this regard.	The Gujarat Mines & Mineral (Reg. & Dev) Act provides that	The HP Act says that the recommendati-ons of Gram Sabha shall be	Prior recom-mendation of Gram Sabha is mandatory.	The Maharashtra Act says that Panchayat shall be competent to make recommen-	The Orissa Act has assigned this power to District	Prior permission of Gram Sabha or PRI made

	made mandatory prior to grant of prospecting licence or mining lease for minor minerals by auction;	Panchayat which shall be taken into consideration prior to grant of prospecting prospecting license.			prior to tranting the quarry lease and quarry permit, recommendations of GP shall be obtained.	taken into consideration, prior to granting license. In other areas, resolution of GP is mandatory.		dations to licensing authority prior to grant license or permit. Proposal for devolution powers to Gram Sabha is under process.	Panchayat.	compulsory.
4.	**Section 4 (l):** The prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;	The AP Act has provided that prior recommendations of GP shall be taken shall be taken into	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has no provision in this regard.	The Gujarat Mines & Mineral Act provides that prior to granting the quarry lease and quarry permit, recommendation of G P shall be obtained.	The HP Act has stated that prior recommendation of Gram Sabha shall be mandatory for grant of concession.	Yes.	The Mines & Minerals (Reg. & Dev.) Act provides powers to Gram Sabha in this matter.	The Orissa Act has assigned this power to District Panchayat.	Recommendation of Gram Sabha or the PRI made compulsory for the concession.
5.	**Section 4 (m)(I):** The power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;	The AP Act has assigned this function either to Gram Panchayat or Gram Sabha as the case may be.	The Chhattisgarh Act has assigned this power to Gram Sabha.	The Jharkhand Act has assigned this power to Gram Panchayat.	The Gujarat Act has no provision as the State has adapted prohibition in the whole State.	The HP Act has assigned this power either to GP or GS. GP may by vote 2/3rd majority of members, direct not to sold intoxicant within that Panchayat.	Gram Sabha empowered.	The Maharashtra Act says that Gram Sabha shall be competent to enforce prohibition or to regulate through Panchayat. Accordingly powers have been assigned to all three tiers.	The Orissa Act has assigned powers to GP to be exercised under direct supervision of Gram Sabha.	PRI at the appropriate level is empowered to enforce prohibition.

1	2	3	4	5	6	7	8	9	10	11
6.	**Section 4 (m)(ii):** The ownership of minor Forest Produce;	The AP Act says that Gram Panchayat or Gram Sabha as the case may be, shall exercise powers in this matter, as may be prescribed.	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has assigned these powers to three tiers of Panchayat.	The Gujarat Act has given the right to ownership of MFP to Gram Panchayat. Sale proceeds shall be paid into form part of village fund.	The HP Act has says that either Gram Panchayat or Gram Sabha shall exercise these powers.	The *'Madhya Pradesh Laghu Van Upaj (Gram Sabha Ko Swamitwa Ka Sandan) Vidheyak 2000'* submitted by the Forest Deptt. of MP is under revision to include issues such as 'Ownership of Minor Forest Minor Forest Produce'. 'Jurisdictional Issues; etc. raised by the Min. of Rural Development.	The Maharashtra Act provides that issue to Panchayat with regard to exploitation and regulation of trading of 33 MFPs and every Panchayat shall be competent to regulate exploitation, management and trade of MFPs.	The Orissa Act has assigned powers to GP to be excercised under direct supervision of Gram Sabha.	PRI at the appropriate level is endowed with the ownership to control and manage the minor forest produce.
7.	**Section 4 (m)(iii):** The power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;	The AP Act says that either Gram Panchayat or Gram Sabha shall perform such functions.	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has assigned this power to District Panchayat.	The Gujarat Act has assigned this power to District Panchayat.	The HP Act has no provision in this regard as tribal can not alienate their land so situated in scheduled areas.	Gram Sabha Endowed with such powers.	The Maharashtra Act has assigned this power to Gram Sabha to recommend through Panchayats. IP and DP have also assigned these powers.	The Orissa Act has assigned powers to GP to be exercised under direct supervision of Gram Sabha.	PRI at the appropriate level is empowered to prevent alienation of land in Scheduled Areas and to restore unlawful alienation of an ST.
8.	**Section 4 (m)(iv):** The power to manage village markets by whatever name	The AP Act has assigned power to Gram Panchayat or	The Chhattisgarh Act provides that Gram Sabha shall have	The Jharkhand Act has assigned this	The Gujarat Act has assigned this power to	The HP Act has assigned powers to Gram	The Gram Sabha has been assigned with powers to	The Maharastra has has not made any provision	The Orissa Act has assigned powers to GP	PRI at the appropriat level is empowered

	called;	Gram Sabha as the case may be	powers to manage village markets and melas through Gram Panchayat.	power to all three tiers of Panchayat.	Gram Panchayat.	Panchayat or Gram Sabha.	manage village markets and meals including cattle fair through the Gram Panchayats.	in this regard.	to be exercised under direct supervision of Gram Sabha.	to manage village market.
9.	**Section 4 (m)(v):** The power to exercise control over money lending to the Scheduled Tribes;	The AP Act says that either Gram Panchayat or Gram Sabha shall perform such functions.	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has assigned this power to District Panchayat.	The Gujarat Act has assigned this power to Gram Panchayat.	The HP Act has assigned powers to Gram Panchayat or Gram Sabha	Gram Sabha endowed with powers.	Under the Maharashtra Act, such licence can be granted by Registrar after consultation with Gram Sabha(s) and concerned Panchayat(s).	The Orissa Act has assigned powers to GP to be exercised under direct supervision of Gram Sabha.	PRI at the appropriate level is empowered to exercise control over money lending to the members of ST.